

## Message Text

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PAGE 01 STATE 101376  
ORIGIN L-03

INFO OCT-01 IO-13 ISO-00 EB-07 TRSE-00 OIC-02 SSO-00  
/026 R

DRAFTED BY L/EB:SBOND/RW  
APPROVED BY L:MFELDMAN  
EB/IFD/OIA - RKAUZLARICH  
TREASURY - ECLAPP  
-----042049Z 001825 /70

O 041959Z MAY 77  
FM SECSTATE WASHDC  
TO USMISSION USUN NEW YORK IMMEDIATE

LIMITED OFFICIAL USE STATE 101376

E.O. 11652: N/A

TAGS: EINV, UN

SUBJ: UN TNC MEETING - ESTABLISHMENT OF AN INFORMATION  
SYSTEM

REF: E/C.10/27

PASS - RUBIN, SMITH TNC DELEGATION

1. IN REVIEWING DRAFT RAPPORTEUR'S REPORT ON 3RD SESSION  
OF COMMISSION WHEN IT IS ISSUED, US DEL SHOULD, IN  
ADDITION TO SEEING THAT POINTS IN POSITION PAPER ARE  
REFLECTED IN REPORT, BE ESPECIALLY ALERT TO LANGUAGE  
IN REPORT TOUCHING ON THE FOLLOWING ASPECTS OF AN  
INFORMATION SYSTEM:

(A) IN REGARD TO THE EXPERTS GROUP ON INTERNATIONAL  
STANDARDS OF ACCOUNTING AND REPORTING, USG CANNOT ACCEPT  
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FLAT STATEMENT ON P. 31 OF REFDOC THAT CENTRE SHOULD  
DRAW ON REPORT OF EXPERT GROUP. WE CANNOT HAVE CENTRE  
ESTABLISHING ON ITS OWN VOLITION SUCH GROUPS AND THEN  
DIRECTLY ACTING ON THEIR RECOMMENDATIONS, AS THIS PROCESS  
LEAVES NO ROOM FOR GOVERNMENTS TO HAVE A HAND IN THIS  
CRUCIAL AREA. REPORT OF 3RD SESSION SHOULD MAKE CLEAR

THAT WORK OF ACCOUNTING EXPERTS GROUP MUST BE CIRCULATED TO GOVERNMENTS FOR COMMENT AND PRESENTED TO FULL COMMISSION FOR ITS CONSIDERATION AND APPROVAL BEFORE CENTRE MAY DRAW UPON IT.

(B) US DEL CANNOT ACCEPT LANGUAGE IN THE REPORT WHICH COULD BE UTILIZED BY CENTRE AS BASIS FOR IT TO GATHER CONFIDENTIAL INFORMATION FROM COMPANIES OR GOVERNMENTS, ON A VOLUNTARY BASIS OR OTHERWISE. REFDOC HAS IN NO WAY ESTABLISHED EITHER A NEED FOR SUCH INFORMATION OR INDICATED HOW SUCH INFORMATION, ONCE GATHERED, WOULD BE PROTECTED.

(C) FURTHER, REFDOC, P. 29, DISTORTS REPORT OF SECOND SESSION, IN THAT IT SPEAKS OF A MANDATE TO COLLECT "INFORMATION OF A GENERAL OR SPECIFIC NATURE AT THE AGGREGATE AND ENTERPRISE LEVELS, BY COUNTRY", AND INCLUDES UNDER THIS RUBRIC CONTRACTS AND OTHER SENSITIVE AGREEMENTS, AS WELL AS INFORMATION ON INDIVIDUAL CORPORATIONS. HOWEVER, OMITTED FROM ABOVE QUOTE IS THE FACT THAT COMMISSION REPORT (PARA 23) SPOKE OF COLLECTING SUCH INFORMATION ONLY IF "PUBLICLY AVAILABLE." REPORT MUST MAKE CLEAR THAT CENTRE HAS NO MANDATE TO COLLECT, ON A COUNTRY BASIS, ANYTHING BUT PUBLICLY AVAILABLE INFORMATION. LANGUAGE STATING OR IMPLYING THE CONTRARY CANNOT BE ACCEPTED.

(D) REFDOC, (P. 5) STATES THAT SPECIAL PURPOSE INFORMATION MIGHT BE REQUIRED BY CENTRE TO "DETERMINE LIMITED OFFICIAL USE

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THE EXTENT TO WHICH A CORPORATION MIGHT ENGAGE IN ARTIFICIAL TRANSFER PRICING OR RESTRICTIVE BUSINESS PRACTICES." REPORT OF COMMISSION CANNOT BE ACCEPTED IF IN ANY WAY IT ENDORSES OR PERMITS CENTRE TO CLAIM AUTHORITY TO INVESTIGATE OR JUDGE THE SPECIFIC ACTIONS OF INDIVIDUAL FIRMS. CENTRE CANNOT BE PERMITTED TO GATHER INFORMATION TOWARDS THESE ENDS.

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## Message Attributes

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**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
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**Disposition Approved on Date:**  
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**Disposition Date:** 22 May 2009  
**Disposition Event:**  
**Disposition History:** n/a  
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**Drafter:** SBOND/RW  
**Enclosure:** n/a  
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**Previous Classification:** LIMITED OFFICIAL USE  
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**TAGS:** EINV, US, UN  
**To:** USUN NEW YORK  
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**Review Markings:**  
Margaret P. Grafeld  
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